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Remarks

Reconsideration of the above-captioned application is requested. The Section 112 rejections of Claims 12 and 14 and the objections to Claims 17 and 18 have been corrected by the amendments advanced herein, and will not be further addressed. To overcome the substantive rejections summarized below, Claim 1 has been amended to recite a specific heuristic, namely, highlighting a morning news show or a cooking show, on the EPG if the TV is located in a kitchen. Support for the amendment to Claim 1 can be found in the specification on page 8, lines 17-21. Also, independent Claim 7 has been amended to recite that if a particular ("first") correlation input that is the location of the TV or the time is sensed two or more times contemporaneously with a manually-input setting, it is correlated to the setting. Independent Claim 14 now requires means for using the time (that is) input by the means for inputting to highlight first programs on an electronic program guide (EPG) and to not highlight second programs on the EPG. Claims 1-20 remain pending.

To summarize the rejections:

- (a) Claims 1, 2, 4, and 6 have been rejected under 35 U.S.C. §102 as being anticipated by Ellis et al., USPP 2005/0251827.
- (b) Claim 3 has been rejected under 35 U.S.C. §103 as being unpatentable over Ellis et al. in view of Godwin, USPN 6,741,834.
- (c) Claims 5 and 6 have been rejected under 35 U.S.C. §103 as being unpatentable over Ellis et al. in view of Lawler, USPN 5,758,259.
- (d) Claims 7-11 have been rejected under 35 U.S.C. §103 as being unpatentable over Ellis et al. in view of Ward, USPN 6,756,997.

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(e) Claim 13 has been rejected under 35 U.S.C. §103 as being unpatentable over Ellis et al. in view of Ward and Godwin.

(f) Claims 14, 15, and 18 have been rejected under 35 U.S.C. §103 as being unpatentable over Lemmons et al., USPN 6,266,814 in view of Legall et al., USPN 6,005,565.

(g) Claim 16 has been rejected under 35 U.S.C. §103 as being unpatentable over Lemmons et al. in view of Legall et al. and Godwin.

(h) Claim 17 has been rejected under 35 U.S.C. §103 as being unpatentable over Lemmons et al. in view of Legall et al. and Ellis et al.

(a) Claim 1 now recites a particular heuristic for deciding what program(s) to highlight on an EPG that is not taught or suggested in the references, rendering Claim 1 and its dependent claims patentable.

(b) In addition to being allowable by virtue of depending from Claim 1, dependent Claim 3 requires receiving location information from a satellite, whereas Godwin does not receive, via GPS, any information pertaining to location. It receives programming information and fails to suggest using GPS to receive location information, while it is admitted in the rejection that Ellis et al. fails to disclose receiving information from a satellite altogether. Thus, even were the references to be combined as proposed, Claim 3 would not result.

(c) Claims 5 and 6 are allowable by virtue of depending from Claim 1.

(d) Claims 7-11 had been rejected based on the allegation that Ward discloses correlating an input that is sensed two or more times contemporaneously with a manually-input setting to the setting. However, Claim 7 as amended now requires more than correlating *any* with a setting, but rather now explicitly ties the correlation input (defined to include the location of the TV or the time) to a manually input setting, whereas

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Ward, as correctly noted by the examiner, merely keeps track of "counts" of content to which the viewer has tuned, independently of time or location. Ward mentions the word "time" but only in the context of looking for the highest count at a desired viewing time, without correlating time *per se* to anything, much less to a manually-input setting. Accordingly, Claims 7-11 are patentable.

(e) In addition to being allowable by virtue of depending from Claim 7, dependent Claim 13 requires receiving location information from a satellite, whereas Godwin does not receive, via GPS, any information pertaining to location. It receives programming information and fails to suggest using GPS to receive location information, while it is admitted in the rejection that Ellis et al. fails to disclose receiving information from a satellite altogether. Thus, even were the references to be combined as proposed, Claim 13 would not result.

(f) Lemmons et al. has been used as a teaching of inputting a location and/or time to establish an input, but admittedly fails to disclose highlighting anything on an EPG, with Legall et al. being resorted to for the shortfall. However, once again the references if combined as proposed would not reach the claim being rejected. Specifically, Claim 14 requires more than simply "highlighting" something. It requires using the input (of the location or time) to highlight some programs on an EPG and to not highlight other programs on the EPG, whereas in the relied-upon section of Legall et al. only channels meeting search filter criteria having nothing to do with location or time are highlighted. Thus, since the examiner freely admits that the primary reference teaches nothing about highlighting and since the secondary reference highlights only based on criteria that are markedly different from what Claim 14 requires, combining the references as proposed would not arrive at Claim 14. In other words, there is no suggestion in either reference to highlight anything based on time or location, with any proposed modification of the references to reach Claim 14 thus plainly falling outside any fair prior art suggestion.

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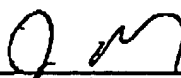
The examiner postulates that a user of Legall et al. "could choose to search time/date." That is both an impermissible observation, being gleaned only based on hindsight of the present specification and not on anything in the prior art, and irrelevant, because the mere fact that a reference can be modified does not render an invention obvious, unless the modification is suggested by the prior art, In re Mills, cited at MPEP §2143.01(III).

(g, h) Claims 16 and 17 are allowable by virtue of depending from Claim 14.

The fact that Applicant has focussed its comments distinguishing the present claims from the applied references and countering certain rejections must not be construed as acquiescence in other portions of rejections not specifically addressed.

The Examiner is cordially invited to telephone the undersigned at (619) 338-8075 for any reason which would advance the instant application to allowance.

Respectfully submitted,



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